

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

FAO.No. 20 of 2007()

AGAINST THE ORDER DATED 21/11/2006 IN IA 574 2006 IN
OS.108/2005 of SUB COURT, MAVELIKKARA
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APPELLANT/1ST DEFENDANT:

T.J. SREELAL,
LAL BUNGLOW, KADAVOOR MURI, KANNAMANGALAM VILLAGE,
MAVELIKKARA TALUK.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS: PLAINTIFF/DEFENDANTS:

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1. ALEYAMMA VARGHESE @ ELAMMA,
PLAVILAYIL A V VILLA, KADAVOOR MURI,
KANNAMANGALAM VILLAGE, MAVELIKKARA TALUK.
 2. N. THANKAMMA,
GOVT.ENGINEERING COLLEGE QUARTER,
SREEKARIYAM, THIRUVANANTHAPURAM.
 3. T.J. SREELATHA,
SRUTHIYIL, PAIKUDI, OACHIRA, KOLLAM DISTRICT.
 4. T.J. SREELEKHA,
GOVT. ENGINEERING COLLEGE QUARTERS,
SREEKARIYAM, THIRUVANANTHAPURAM.

BY

THIS FIRST APPEAL FROM ORDERS HAVING BEEN FINALLY HEARD
ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

KURIAN JOSEPH & K.T.SANKARAN,JJ.

F.A.O.No.20 of 2007

Dated this the 22nd day of February, 2007

JUDGMENT

Sankaran,J.

The first defendant in O.S.No.108/2005 on the file of the Sub Court, Mavelikkara, challenges the order in I.A.No.574/2006 by which the court below appointed a Receiver to manage the plaint schedule property, auditorium and the shop rooms therein. The plaintiff has 7/8 shares in the plaint schedule property, she having got assignment of the shares of the sharers other than the first defendant. The first defendant has 1/8 share in the property. The plaint schedule property consists of an auditorium and a shop building. It was contended that no proper accounts were being maintained by the first defendant and that the income was not properly accounted. The court below held that there is no evidence on record to show that the first defendant is properly maintaining the accounts with respect to the income and expenses of the plaint schedule property and the auditorium and the shop rooms. All the relevant facts were considered by the court below and it was

held that it is just and necessary to appoint a Receiver to safeguard the interests of the plaintiff who is having 7/8 shares. No grounds are made out for interference. There is no illegality or irregularity in the order or proceedings. All the contentions put forward by the first defendant were taken note of and the court below was fully justified in arriving at the conclusion that it is just and necessary to appoint a Receiver. We are in agreement with the reasonings as well as the conclusions arrived at by the court below.

The appeal lacks merit and it is accordingly dismissed.

(KURIAN JOSEPH, JUDGE)

(K.T.SANKARAN, JUDGE)

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